



KRONIKA

FEBRUARY 1990

24 Pro-independence movement Sajudis sweeps elections to Lithuanian Supreme Soviet winning about 80 per cent of the 141-seat parliament.

MARCH

4, 8, 10 Run-off elections held. Final results give Sajudis a strong majority in the new parliament: out of 133 deputies elected, 99 Sajudis, 25 LCP, not including Sajudis/LCP overlap, 4 CPSU, and 5 independents. New elections will be held in 8 districts April 7.

5 Newly elected Sajudis deputies form a caucus and begin planning their strategy for the first session of the Supreme Soviet; during intense daily meetings, the caucus sets up working groups on re-establishment of Lithuania's statehood, reorganization of government, and national security.

8 Sajudis Seimas (parliament) holds its last session before first meeting of new Parliament. Approves strategy of declaring independence during first session; plans to hold next Sajudis Congress in end of April.

10 First session of the newly elected Lithuanian parliament (Supreme Council) begins at 21:00. 133 deputies are registered.

11 Session continues from 10:00. Vytautas Landsbergis (chairman of the Sajudis Executive Council) is elected President of the legislature in a vote of 91 to 38 against LCP leader Algirdas Brazauskas. Nominated by Landsbergis, Bronius Kuzmickas, Česlovas Stankevičius and Kazimieras Motieka are elected to the Presidium. Liudvikas Sabutis is elected Secretary of the Presidium.

A series of five documents re-establishing the independent Republic of Lithuania is presented and debated. The first empowers the deputies elected to vote on independence; the second restores the name and coat of arms of the Republic of Lithuania; the third restores the independent state; the fourth affirms that the last constitution of the Republic of Lithuania (1938) was never legally terminated and is still in force; the fifth suspends the 1938 Constitution and adopts a more workable, interim basic law that will be in force until a new Constitution is prepared. (see article page 5) The first two documents are voted on and adopted separately, while the last three are voted on together; at 10:44 PM the parliament unanimously declares the re-establishment of the independent Republic of Lithuania (with six abstentions).

13 Local KGB chief General E. Eismuntas resigns.

17 The first reports of unusual military activity in Lithuania including tank and troop maneuvers in the South, and forays of unidentified troops from the Byelorussian SSR conducting border marking procedures suggesting to the local Lithuanian population that certain territories may be claimed by Byelorussia. A Red Army helicopter flies over Vilnius for an hour, dropping thousands of leaflets inviting the city's residents to participate in a pro-Soviet rally the next day. All telephone communication to the West is blocked for the next few days. Kazimieras Prunskiene is elected Prime Minister.

18 Four high level officers from the Baltic Regional Command of the Soviet Army visit President Landsbergis, and insist that all military activities in Lithuania are "routine maneuvers". 30,000 people demonstrate in Vilnius to oppose the Lithuanian government. The rally is organized by pro-Soviet organizations including "Yedinstvo", whose leader Valeri Ivanov tells the crowd he will send Gorbachev a telegram requesting that Presidential rule be imposed in Lithuania to defend the rights of Soviet citizens against the newly established "bourgeois fascist nationalist regime".

20 The Baltic Region Military Command announces that all Lithuanian soldiers who have left the Soviet Army must return to their divisions by March 24 or else measures will be taken to return them by force.

21 Lithuanian government reports that over 300 Lithuanians who have deserted the Soviet Army are registered with the Supreme Council's Commission on Soviet Military Service and that over 600 more are presently in Lithuania. (There are over 40,000 Lithuanian citizens serving in the Soviet Army.)

Soviet President Mikhail Gorbachev issues a decree demanding that the Lithuanian government take the necessary measures to ensure the rights of Soviet citizens and to guarantee that the sovereignty of the USSR in the territory of Lithuania be protected, including: the augmentation of border troops in and around the territory of Lithuania; that all personal hunting weapons be given in to the Ministry of Internal Affairs within seven days; that greater controls on the issuing of visas to foreigners wishing to enter Lithuania be established; that the activities of all foreign citizens presently in Lithuania be closely monitored and that foreign citizens in Lithuania found to violate Soviet laws risk expulsion. Sajudis announces that more than 2,000 men have signed up with a volunteer internal border and security force called "Savanoriai".

A 19-year-old Lithuanian soldier is abducted by three plainclothes men after leaving his unit in Estonia to visit his parents in Vilnius. At press time, the youth is being held in the Vilnius Military Police Garrison, and access to him has been denied to representatives of the Lithuanian government.

Soviet President Gorbachev sends a telegram to Lithuanian President Landsbergis demanding that all registering of volunteers into state defense organizations be ceased immediately and that the Lithuanian government report on the implementation of this demand within two days.

APOLOGIES

In the election results listed in the March 2 issue of *The Lithuanian Review*, Lithuanian Communist Party First Secretary Algirdas Brazauskas and Secretary Justas Paleckis (as well as several other LCP members) were incorrectly and unintentionally listed as members of the Communist Party of the Soviet Union.

To Mr. Neal Ascherson, for a highly inappropriate headline in the March 2 issue of *The Lithuanian Review* that described him as English. Mr. Ascherson is Scottish.

ERRATUM

On page 3 of the March 2 issue of *The Lithuanian Review*, the percentage of ethnic Russians in Lithuania was incorrectly listed as 6.4 per cent. According to the 1989 census, 9.4 per cent of the inhabitants of Lithuania are Russian.

Reclaiming independence

Two weeks ago, the democratically elected representatives of the citizens of Lithuania voted to re-establish the independence that they have quietly aspired to restore ever since the Second World War.

Although their country once boasted territory that stretched from the Baltic to the Black seas, the Lithuanians have long accepted their status as one of the smallest (and perhaps only for that reason so easily forgotten during the past fifty years) nations of the world.

But as Lithuania, Latvia and Estonia have demonstrated powerfully in the past two years, even small nations do not easily forget themselves, and even the most determined efforts to break them do not easily succeed.

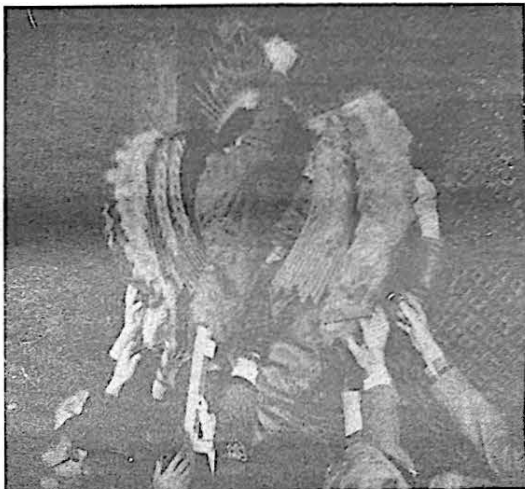
In voting to re-establish the independence of their state, the new leaders of this country fulfilled the mandate that an overwhelming majority of the Lithuanian electorate gave them.

More than anything, the Lithuanian Supreme Council's March 11 declaration was an act of self-affirmation. Not in itself an appeal to the nations of "the West", but a firm expression of the will to control their own destiny.

The injustice of Lithuania's situation is that in this case, neither the will nor the courage of this people will be enough, because there is no independence from historical or political reality.

However noble the Lithuanian struggle for freedom may be, in principle or in the eyes of the world, its outcome will be determined by others — and perhaps by political convenience rather than moral principles.

The fate of this country now hangs on a thread. The Lithuanian people took this risk because they had to. Their survival now depends on the good will of those larger nations that have the power to ensure it.



Photograph by Z. Nekrosius

At 10:44 PM on Sunday, March 11, the Lithuanian Supreme Council voted unanimously to restore the independent Republic of Lithuania that existed from 1918 to 1940. Inside the parliament building, a curtain was drawn over the huge crest of the Lithuanian SSR the yellow, green and red flag of independent Lithuania was raised in its place. Outside the building where Lithuanian history was taking the most significant turn in the last 50 years, only a small crowd (less than 1,000) had gathered to be close to the event. While Lithuanians closely watched this historic event on television, the absence of the usually massive crowds of the pro-independence movement was disquieting. Nonetheless, in a final expression of popular initiative, the stalwart crowd literally took the changing of symbols into their own hands. Within minutes of the declaration of independence, the emblem of Soviet rule which had been fixed over the entrance of the Supreme Council building finally came down.

March 22, 1990: Lithuanian Statement to Gorbachev

The following communication was transmitted by telegram on March 22, 1990 from the President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, to the Supreme Soviet of the USSR. The original document was hand-delivered to the Supreme Soviet of the USSR in Moscow on March 23, 1990.

Gentlemen:

The Government and Supreme Council of the Republic of Lithuania most strongly protest the resolution adopted by the third unscheduled Congress of Peoples' Deputies of the USSR on March 15, 1990, with respect to the international and internal status of the Republic of Lithuania.

In particular, the Republic of Lithuania objects to the description of Lithuania as a "republic of the USSR." The Republic of Lithuania was an internationally recognized member of the League of Nations until its forcible occupation by the armed forces of the USSR in June, 1940, pursuant to the secret protocols of the Nazi-Soviet Non-Aggression Pact of August 23, 1939.

The annexation of Lithuania by the USSR violated the terms of Lenin's Declaration of Rights of the Peoples of Russia of November 15, 1917; the Soviet-Lithuanian Peace Treaty of July 12, 1920; the Lithuanian-Soviet Treaty of Non-Aggression of September 28, 1926; the Kellogg Briand Pact of 1929; the Lithuanian-Soviet Mutual Assistance Pact of October 10, 1939; and the Covenant of the League of Nations. The annexation and occupation of Lithuania, and its neighbors Estonia and Latvia has been reviewed and denounced as a flagrant breach of international law by the former Supreme Soviet of Lithuania, as well as the Supreme Soviets of Estonia and Latvia, the parliament of the Republic of Poland, and the Assemblies of the Council of Europe and the Eu-

ropean Parliament. A similar action was taken by the USSR Congress of People's Deputies on December 24, 1989.

In light of the fact that Lithuania had come under Soviet occupation by June 1940, all subsequent actions of Soviet authorities in Lithuania designed to subvert and destroy the nation's sovereignty were void *ab initio*, including all such actions initiated by the government of Josef Stalin to portray as juridically valid the inclusion of Lithuania in the USSR on August 3, 1940.

The Government of the Republic of Lithuania wishes to bring to the attention of the Supreme Soviet of the USSR and the USSR Government that international crimes such as forcible annexation of territory do not produce valid legal title, and that the independence of the Republic of Lithuania has been re-established on the basis of the Lithuanian people's right of self-determination and the *de jure* continuity of the Lithuanian State since 1940.

The Government of the Republic of Lithuania also wishes to remind the Supreme Soviet of the USSR that the USSR Government declared in its 1920 Peace Treaty with Lithuania that it recognized without reservation and "for all time" the sovereign rights and independence of the Lithuanian State. It therefore follows that the Republic of Lithuania has never formed, juridically-speaking, part of the territory of the USSR, and that there is no legal justification for the validity of the 1977 USSR Constitution or other Soviet laws with respect to Lithuanian territory.

The Government of the Republic of Lithuania wishes to inform the Supreme Soviet of the USSR that although the USSR Constitution does not apply to Lithuania, article 72 of such Constitution does in fact provide for the unqualified right of each Soviet republic to secede from the USSR. In connection with this

constitutional provision, the well-known Soviet Constitutional expert Alexander Lukyanov and other scholars have written:

"This right of Soviet republics to secede is unconditional and for such right to be effectuated, the approval of the highest organs of the Soviet Government is not necessary; nor is the approval of the other Soviet republics."

It is therefore clear that the decision of the Lithuanian Supreme Council to restore Lithuanian independence is even valid from the standpoint of Soviet Constitutional Law. References to articles 74 and 75 of the Soviet Constitution made by the USSR Congress of People's Deputies in the aforementioned March 15, 1990 declaration are irrelevant to a discussion of the legal status of Lithuania in light of the fact that such articles do not modify or restrict the right of self-determination or secession granted by the Soviet Constitution.

The Government of the Republic of Lithuania also wishes to inform the members of the Supreme Soviet of the USSR that the Lithuanian Government is vested with all legitimate legal authority in Lithuania, and that any attempt by the government or military organs of the USSR to interfere with the enforcement of Lithuanian law in Lithuania will be viewed as a violation of generally-recognized principles of international law including article 2(4) of the Charter of the United Nations, the International Human Rights Covenants, the General Treaty for the Renunciation of War of 1928, the United Nations 1974 Declaration with respect to the Definition of Aggression, and the 1970 United Nations General Assembly Resolution Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States.

continued on page 5

Building independence: an interview with Lithuania's new Prime Minister

Interview conducted by Romas Sakadolskis of Voice of America.

Romas Sakadolskis: A state is considered independent when it controls its domestic affairs and its foreign affairs. That is the standard in the West. To what degree is the Lithuanian government in control of its affairs at home and abroad today?

Kazimiera Prunskiene: So far we are taking the first steps towards gaining control of the internal situation and to setting up our own ties with the outside world. This will not be easy, because we are being presented with obstacles by the Soviet Union both in taking control of our economy and, especially, in setting up our own border controls. This is inevitable. We know where we are starting from. We are starting from total dependence in every sphere of life. But even so, we have taken some significant steps.

We are approaching the moment when we will begin to control our borders with the Soviet Union at least in an economic sense, in the sense of controlling the flow of goods. The concrete organizational work on this is going ahead very quickly. We think that a structure of border posts should be in place by next week.

We are developing a negotiating strategy regarding industrial plants which are the subject of disagreements. So far, although formal negotiations have yet to begin, we are going through a phase of defining our mutual standpoints. The Soviet Union, of course, is accentuating its deviations from the Soviet constitution and expressing anger at every autonomous step we make in any area.

RS: Do you mean the statement of March 19 signed by (USSR Premier) Nikolai Ryzhkov? Are such statements a step forward or a step back?

KP: In my understanding, they amount to standing on the same spot. The government of the Soviet Union will not be the willing initiator of negotiations. We evaluate our position with regard to changes in the economic relationship between Lithuania and the Soviet Union in our own way, autonomously, in a different manner than the government of the Soviet Union.

That government for some reason insists that we are trying to cut off our economic ties. On the contrary, our actions are directed at stabilizing those ties; we are doing our best to fulfill this year's agreements. For instance, yesterday, twelve assistant ministers arrived here from Moscow and visited local industrial plants. When we found out about this, Mr. Brazauskas talked to them and told them that such activity is inappropriate and even unethical; any representative of another government, or in the older variant, any representative of Moscow, must inform the Lithuanian government when they visit here. They did not do so. Our conversation with them today made it clear that they had been misinformed; they had been told that our industries were being ordered not to fulfill agreements, to cut off economic ties. Once we have made the situation clear, I hope that there will be fewer incidents of such artificial mistrust.

RS: How do you plan to react to the unusual military maneuvers and troop buildup in Lithuania?

KP: This morning I sent a telegram to Mikhail Gorbachev, (USSR Premier) Nikolai Ryzhkov, and defense minister Yazov in the name of our government, in which we drew attention to these military activities, which seem to us unnecessary: tank maneuvers, the dropping of paratroop units in the Ignalina region, all of which local residents have found very disturbing. We suggested that such activities be halted, because the situation in Lithuania is under control. We don't need this kind of assistance from other states.

tance from other states.

In the telegram we also drew attention to the fact that our government must be informed of all activities on our territory, whether by the military or by various ministries. We asked that all such disputes be resolved by mutual understanding through negotiations.

RS: How long do you think it could take before negotiations will begin? Do you think that the kind of sabre-rattling and tactics of intimidation that we've seen so far will continue for a long time?

KP: I think that these signals, this display of strength, will most likely be repeated, because a certain degree of initiative is being shown by middle-level authorities. It seems to me that all this activity, and our relations with Moscow, can begin to be normalized only when the USSR Supreme Soviet and the President make a decision to begin talks about concrete matters. Until then we can only prepare ourselves for all sorts of attacks and misunderstandings. We just have to calmly put up with them, and try to con-

pendent state, then it would have been easy to justify such an intervention in the eyes of the world as a special measure, as an introduction of law and order, another version of events in Tbilisi or Baku.

To apply such an analogy to Lithuania today seems impossible to me. The analogy could only be with the Stalinist occupation of 1940, and in that instance the Soviet Union would forfeit the trust it has won in the world, would forfeit many ties. We believe that the world would respond to such a new occupation very severely. Considering the situation which the Soviet Union is in today, the political and economic crisis, and considering the financial help the Soviet Union needs, such an intervention would only deepen the crisis and bring total collapse closer.

I believe that Mikhail Gorbachev is a rational man, that he understands that an independent Lithuania is in his own country's long-term interest. Now that he has the presidency and a great deal of executive power in his hands, I believe that he would not take such a step, because he has been quite determined to democratize his

not only to do their parliamentary work, creating laws, but will also try to closely control the work of the council of ministers. I would disagree with such an interpretation of subordination. I agree with having to answer to the Supreme Council, but not with becoming a mere instrument of it on an everyday basis.

It has been rather difficult to make up a suitable list of candidates for the various ministerial posts, to ensure that there is a balance between Communist Party members and non-Communists. Many of the most active people, those with experience in various posts, were most often required to join the Party in order to occupy those posts in the first place. Among them are many people whose thinking is radical, who strive sincerely for Lithuania's independence. To keep them away simply because of Party membership would be meaningless. Many of them made use of their Party membership only in the most formal sense.

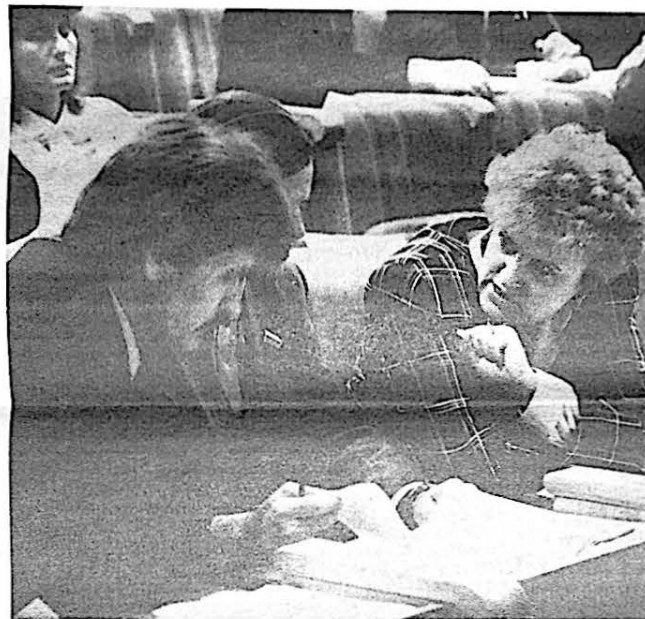
RS: A personal question: shortly before submitting your candidacy for Prime Minister, you handed in your Party card. Why did you do it at precisely that time?

KP: I think that it's always possible to find arguments to prove thing one or another. I had come to this decision considerably earlier. I was thinking about it on the eve of the elections, but it seemed to me that such an action at that time would be seen as a play for votes. So I could not put my decision into effect for some time. I submitted my request on March 13, the day when the tension between the Sajudis and Communist Party factions in the parliament was at its height. The Communist deputies, especially (Second Secretary) V. Beriozov, were arguing for a referendum on the presidency. It was a rather distasteful confrontation. And it was impossible for me to be part of both factions at once, to bring the two positions into harmony in even a minimal way. My position and my electoral platform were those of Sajudis, and when a conflict arose, I had to make a choice. On March 13 it certainly was not clear to anyone how the issue of the Prime Ministership would be settled.

It was clear to me that whether I quit the Party a few days earlier or later would not affect the way Sajudis deputies would vote for me. They would vote for or against me as an individual. The Communist Party deputies, on the other hand, would treat me as someone who had betrayed them. So giving up my Party membership probably only reduced my support in parliament.

RS: A final question. You have mentioned the world, world opinion, several times. What does Lithuania realistically expect from the world community today?

KP: Of course, we can't expect that the world will instantly grant our new government *de jure* recognition. That is something we could expect only at the conclusion of a treaty with the USSR, after negotiations. In the meantime, the world community could help initiate negotiations, help them proceed in a favourable way. Most statements by governments around the world have been quite supportive. They could now take various steps giving our government *de facto* recognition, not diplomatic recognition, but to start making agreements of different kinds of cooperation with us, setting up various kinds of institutions, which would imply a certain level of ties between separate states. We could be granted membership in the Nordic Council, for example; that would be close to granting us full recognition, but it would not be putting the other governments at risk in any way. When this kind of *de facto* recognition will be broad enough, I think that the USSR will be more likely to accept us as negotiating partners.



Kazimiera Prunskiene, a 47-year-old economist who left the Lithuanian Communist Party last week, was Deputy Prime Minister in charge of Economics for the last eight months.

On March 17 she was elected Prime Minister of the Republic of Lithuania. Photograph by Z. Nekrosius

tinue the political, legal, and parliamentary dialogue we have had up until now with Moscow.

Nevertheless, we have repeatedly appealed to the people of Lithuania to remain calm. We have emphasized the need to avoid provocations. Any deviation from the law or from ethical norms could have very serious consequences. We have to understand this. Especially while negotiations have not begun.

RS: I have to ask a question which is being asked by people around the world: is military intervention by Moscow possible?

KP: Today it would be hard to believe that, having gone this far, a military intervention would suddenly happen. If a few months ago we were demanding economic sovereignty and more control over army service, and the world did not know about our goal of reestablishing an inde-

ties with the world. To change this direction today, and to hang on to the Baltic republics by sheer force, would be too great a sacrifice in the long term. He is a sufficiently intelligent politician not to do this.

RS: The Council of Ministers is subordinate to the Supreme Council (or parliament). Does this create problems for you in organizing an executive when this subordination is so clear?

KP: That's a very good question, because some kind of balance of power is necessary between the legislative branch and the executive. In the present situation, with a legislature in place and an executive not yet formed, the parliament is becoming accustomed to taking over direct control, which should be the competence of the executive, the Council of Ministers. It's clear that this problem will persist: that the leading members of parliament will attempt

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The Republic of Lithuania: A case for international recognition

by William Hough
Special to the Lithuanian Review

It is important to differentiate between the recognition of a state, and the recognition of a particular government of such a state. From 1920 to 1922 the Lithuanian state, that is, the Republic of Lithuania, was recognized *de jure* (meaning "according to law", as opposed to mere recognition *de facto*, meaning "in fact") by the USSR, the United States, by the member states of the League of Nations, and by many other states around the world. For those states which established relations with Lithuania, the Lithuanian state reflected the will of the Lithuanian people at the time on the basis of the doctrine of self-determination.

During the 1920s and 30s, the doctrine of non-recognition of forcible seizure of territory became an integral part of the accepted norms of international law. This doctrine held that the annexation of one state by another, or of one state's territory by another, should not be recognized as being legal. Therefore, when the Soviet Union invaded Lithuania in the summer of 1940, pursuant to the terms of the Molotov-Ribbentrop Pact of 1939, world nations refused to recognize either the annexation of Lithuania, or the Soviet puppet government set up on Lithuanian territory, the so-called Lithuanian Soviet Socialist Republic.

For those nations which complied with the dictates of international law, and therefore refused recognition to the Soviet conquest of Lithuania, the Lithuanian state continued to exist *de jure*, as a subject of international law. *De facto*, the government of Lithuania had ceased to exist on Lithuanian territory, but it did have some governmental organs that continued to function abroad, for instance the legations of Lithuania in Washington, Toronto, London and Rome.

On March 11, the Supreme Council of Lithuania reconstituted the state of the Republic of Lithuania on Lithuanian soil, and elected a government. Today, the question is presented as to whether this particular government, as opposed to the state which has always enjoyed *de jure* continuity, should receive either *de facto* or *de jure* recognition by other states.

De facto recognition

In a well-known treatise on international law by the British scholar L. Oppenheim, the author states:

De facto recognition of a State or government takes place when, in the view of the recognising State, the new authority, although actually independent and wielding effective power in the territory under its control, has not acquired sufficient stability or does not as yet offer prospects of complying with other requirements of recognition such as willingness or ability to fulfil international obligations. Thus, after the First World War, the Governments of the various new States, such as Finland, Latvia, Lithuania, and Estonia, which formerly constituted part of the Russian Empire, were recognised in the first instance as *de facto* Governments pending the final territorial settlement in that part of the world.¹

The situation today is analogous to the situation which prevailed in Europe after the First World War, since Lithuania has a government that is independent and wields effective power throughout most of its territory. However, because negotiations with Moscow are pending, the government has not yet acquired, in Oppenheim's words, "sufficient stability", nor does it yet offer prospects of complying with other requirements of recognition such as an ability to fulfill international obligations. Thus, it seems appropriate, based upon the evident exercise of self-determination that has occurred in Lithuania, that the Landsbergis government be granted *de facto* recognition. *De jure* recognition might logically be withheld, since the permanence of the current government cannot be predicted. In this regard Oppenheim notes:

Recognition *de facto* is, in essence, provisional and liable to be withdrawn if the absent requirements of recognition fail to materialise. It is indistinguishable from *de jure* recognition inasmuch as the legislative and other internal measures of the authority recognized *de facto* are, before the courts of the recognising State, treated on the same footing as those of a State

or Government recognised *de jure*. Similarly, a State or Government recognised *de facto* enjoys jurisdictional immunity in the courts of the recognising State. [...] According to the practice of some countries, including Great Britain, *de facto* recognition does not, as a rule, bring about either full diplomatic intercourse or the conferment of diplomatic immunities upon the representatives of the *de facto* government.²

One consequence of *de facto* recognition of the Landsbergis government would be that its laws would be treated with a certain degree of recognition in the courts of the states which have recognized Lithuania *de facto*. On the other hand, *de facto* recognition of the Republic of Lithuania would not entitle the Lithuanian government to any assets of the Republic of Lithuania that may be located abroad, such as monetary reserves currently held in trust by foreign governments. Those assets would be vested in the Republic of Lithuania only when it was able to secure *de jure* recognition.

De jure recognition

When a government is recognized *de jure*, several significant consequences occur. According to Oppenheim, these include:

- 1) the new government, recognized *de jure*, acquires the capacity to enter into diplomatic relations with other states and to make treaties with them;
- 2) within limitations which are far from being clear, former treaties (if any) concluded between the two States, assuming it to be an old State and not a newly-born one, are automatically revived and come into force;
- 3) it thereby acquires the right... of suing in the courts of law of the recognising State;
- 4) it thereby acquires for itself and its property immunity from the jurisdiction of the courts of law of the State recognising it...;
- 5) It also becomes entitled to demand and receive possession of property situated within the jurisdiction of a recognising State, which formerly belonged to the preceding Government at the time of its supersession.
- 6) Recognition being retroactive and dating back to the moment at which the newly recognised Government established itself in power, its effect is to preclude the courts of law of the recognising State from questioning the legality or validity of the acts both legislative and executive, past and future, of that Government; it therefore validates, so far as concerns those courts of law, certain transfers of property and other transactions which before recognition they would have treated as invalid.³

The most important aspect of *de jure* recognition is, of course, the full diplomatic relations which can now be established by the recognized government with a recognizing government. In this case, the Republic of Lithuania already has an emissary in Washington and in other cities around the world. The question therefore appears to be whether nations such as Canada, the United States, or Great Britain would in fact reciprocate and send diplomatic representatives to Lithuania.

A second important element of *de jure* recognition is the revival of treaties. The Republic of Lithuania has treaties with many states around the world. In particular, it has what is known as "Most Favoured Nation" treaties, which are essentially commercial in nature, and which provide that Lithuanian goods can be exported to, say, Poland, Hungary, Germany, or France, on equal terms with products that would be imported into Lithuania. In other words, no discrimination is permitted with respect to exports and imports. This is very important for Lithuania, particularly in light of the fact that it is not a member of the General Agreement on Tariffs and Trade (GATT), which was executed in 1947, after Lithuania's annexation.

A valid distinction?

Why is it important to maintain the distinction between *de facto* and *de jure* recognition? There are a number of reasons. Basically, recognition of governments is a political act, as opposed to non-recognition of forcible seizure of territory which is a mandated requirement of international law. If you apply the "principle of universality",

that any state which has control of its territory is entitled to recognition, then, one must be prepared to admit that a state which has been annexed in violation of international law, and in which a puppet government has been set up, might automatically be entitled to full recognition. The problems inherent in the "universality principle" are evident if you review the Finnish approach to the annexation of the Baltic states: the Finnish government never withheld recognition from the Soviet regimes in the three Baltic countries which had repressed the people of the Baltic states for years. Instead of using its influence to mitigate Soviet policy in the Baltic states, the Finnish state and Finnish corporations exploited the subjugated status of the Baltic peoples to produce profits and trade for the Finnish economy. Such recognition of the legitimacy of a foreign puppet regime, and the derivation of benefits therefrom, is at odds with the principle of international law which holds that wrongs should not produce legal rights - *ex injuria jus non oritur* - a fundamental Roman maxim.

The principle of *de facto* recognition is also important because it gives a government the option of throwing its political support behind a new government which does not yet have a great deal of stability, with the possibility of withdrawing that recognition if that such a government is later overthrown. The principle of *de facto* recognition therefore provides a certain degree of diplomatic flexibility which is not otherwise available if one strictly adheres to the "universality" doctrine.

New Lithuanian government

It is important that the new Landsbergis government, which was elected on the basis of self-determination, be accorded such *de facto* recognition. This would strengthen Vilnius' position with regard to its negotiating position with Moscow, and it would not in any way be detrimental politically or diplomatically to those states deciding to accord such *de facto* recognition - if, for instance, anti-democratic forces were able to take control in Vilnius, the foreign *de facto* recognition could be withdrawn.

At this point, there is no question that the Landsbergis government has control of much of the territory of Lithuania. The requirement for *de facto* recognition, according to the British Government, is control over most of the territory of the country. After all, in 1918, when Great Britain and other countries in Europe accorded *de facto* recognition to Lithuania, Latvia, and Estonia, they did not have effective control over all of their territory. The Red Army had invaded from the east, and Germans were fighting Baltic legions throughout the Baltic region, but Great Britain and other nations in the West wanted to send a signal to the nascent Baltic governments that such governments truly represented the will of the Baltic peoples.

Today, the political situation is similar to that existing in Lithuania in 1918. I believe that nations around the world should support Mr. Landsbergis' government, and grant it *de facto* recognition, so that treaties and former agreements would be revived. If the negotiations with Moscow are successful, and this government is able to complete the removal of Soviet governmental organs from Lithuania, then at that point *de jure* recognition would be appropriate.

Reactions so far

I will conclude by commenting on some of the statements that have been issued by governments around the world with respect to events in Lithuania.

The Canadian response to Lithuania's reestablishment of independence has been very supportive. Foreign Minister Joe Clark called upon Moscow to enter into negotiations with the government of the Republic of Lithuania, underscoring the fact that the Landsbergis government is based upon the results of a free and fair election and on the will of the Lithuanian people. Mr. Clark said that financial aid might be considered in the near future, depending on the outcome of negotiations with Moscow, and he urged the Soviets to end their "occupation" of Lithuania. Mr. Clark's statement approximates *de facto* recognition of the Landsbergis government.

The United States has taken a similar position and has called on Lithuania to negotiate a treaty with Moscow, has urged the Soviet Union to use peaceful means to negotiate the transfer of power in Lithuania, and has specifically referred to the government

The following countries do not recognize the Soviet annexation of the Baltic republics:

Australia
Belgium
Brazil
Canada
Columbia
Costa Rica
Czechoslovakia
Denmark
Federal Republic of Germany
France
Greece
Guatemala
Ireland
Japan
Luxemburg
Norway
Phillippines
Poland
Portugal
Republic of China
Spain
Switzerland
Trinidad and Tobago
Turkey
United Kingdom
United States of America
Uruguay
Venezuela

of the Republic of Lithuania, an implicit statement of *de facto* recognition.

Although the Swedes base their view of recognition on the tenets of the universality doctrine discussed above, the Swedish position was also very favourable, again referring to the principle of self-determination, and the near-unanimous decision of the Lithuanian people to re-build an independent state. The only problem with the Swedish statement is that it fails to refer to the fact that the Republic of Lithuania is a pre-existing state with a new government. The United States and Canada, and France, however, have specifically referred to the fact that the annexation of Lithuania was never recognized, and that therefore the Republic of Lithuania continued to exist *de jure*. Thus, such statements implicitly acknowledge the fact that there has occurred in Lithuania the rebirth of an old state, and not the creation of a new one from a part of the territory of the Soviet Union.

William Hough is an attorney practicing corporate and international law in New York with the firm of Walter, Conston, Alexander & Green and is a member of the Lawyers' Committee for Human Rights.

¹ L. Oppenheim, *International Law: A Treatise*, 7th Edition, Ed. H. Lauterpacht (New York: Longman's, 1948) I, 129-30.

² *ibid.*, I, 131-2

³ *ibid.*, I, 132-4

ADDRESS OF THE SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA TO THE NATIONS OF THE WORLD

The Supreme Council of the Republic of Lithuania, having proclaimed the continuation of the independent Lithuanian State and its return to the world community of free nations, has faith in the solidarity and support of these nations.

Our decision is not directed against any one nation, nor is it against any nationality in Lithuania. This is a path that allows us to guarantee the rights of individuals, citizens and national communities in Lithuania, to become open to free association, and to offer to contribute our commitment and work to the world of justice and harmony that is now being created.

May God and all people of good will help us.

CHAIRMAN OF THE SUPREME COUNCIL OF
THE REPUBLIC OF LITHUANIA
VYTAUTAS LANDSBERGIS
Vilnius, March 11, 1990

Appeal of the Supreme Council of The Republic of Lithuania To the Nations of the USSR

Lithuania is restoring its statehood.

In 1940, following secret agreements between the USSR and Germany, the Republic of Lithuania became a victim of the aggression of the USSR and was annexed to the Soviet Union. Through the USSR's criminal internal policies, hundreds of thousands of Lithuanians and people of other nationalities were subjected to repressions, torture and murder. The Lithuanian nation never accepted the loss of its freedom, and clearly differentiated the imperialist goals of Party bureaucrats from the true interests of the Russian people.

Reform in the Soviet Union and the battle against the bureaucratic command system in Lithuania has above all meant the struggle for independence, for historical truth. This was convincingly proven by the results of the democratic elections of the Lithuanian SSR Supreme Soviet deputies. We are pursuing independence by peaceful, constitutional and parliamentary means. We are certain that we have not violated the interests of any nation. We guarantee every nationality in Lithuania equal rights in achieving national cultural identity. Freedom, democracy, and justice are the basis for good brotherly relations with one's neighbours and good will on both sides. A good example is the July 12, 1920 Lithuania-Russia Peace Treaty.

Peace, stability and cooperation remain our basic principles in fulfilling the idea of a common European home.

The Supreme Council of the Republic of Lithuania appeals to the nations of the USSR, asking them to support our aspirations and to understand our goals, which are based on good will.

VYTAUTAS LANDSBERGIS
Chairman of the Supreme Council of
The Republic of Lithuania
Vilnius, March 12, 1990

ADDRESS BY THE SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA TO ALL OF THE CITIZENS OF LITHUANIA

The restored independent Lithuanian State has been in existence only a few days. It can only be defended by historical right, by the perseverance, calm and unity of the Lithuanian people.

To the future citizens of free and democratic Lithuania! Everyone must think about their responsibility in honouring the statutes of Lithuania, the statutes that defend each of our rights and our well-being. We ask that Lithuanians, Russians, Poles, Byelorussians, Jews, Karaims, and people of other nationalities living in Lithuania not to give in to instigators of dissent whose only goal is to sow disunity among us and to suppress our quest for freedom and justice. Let us preserve peace, order, and a brotherly attitude towards each other. Let all the people of good-will in the world see that we are worthy of freedom.

VYTAUTAS LANDSBERGIS
President of the Supreme Council of
The Republic of Lithuania
VILNIUS, LITHUANIA
March 17, 1990

Address of the Supreme Council of The Republic of Lithuania To the Governments of Democratic Nations

On March 11, 1990, the Supreme Council of the Republic of Lithuania expressed the will of the nation by proclaiming the continuation of the independent Lithuanian state, which was occupied and annexed by the USSR in 1940.

With this action Lithuania returns to the world family of democratic nations and hopes for their kind assistance. An important sign of political and moral support would be the recognition of the laws and legislative acts adopted on March 11, 1990 and the recognition of the new government of Lithuania. This we kindly request.

VYTAUTAS LANDSBERGIS
President of the Supreme Council of
The Republic of Lithuania
Vilnius, March 17, 1990

The texts of independence

The following series of legal acts was adopted on March 11, 1990 by the newly elected legislature and comprise the legal basis of the re-establishment of the independent Republic of Lithuania. The first two documents were adopted separately, while the last three were debated and adopted as a package (see article on facing page).

DECLARATION ON THE POWERS ENTRUSTED TO THE DEPUTIES OF THE LITHUANIAN SSR SUPREME SOVIET

By the decision of the Lithuanian nation, the Independent Lithuanian state was restored on February 16, 1918, and confirmed by the resolution of the Constituent Assembly on May 15, 1920 and by the 1922 Constitution of the Lithuanian State. It became a full-fledged member of the world community of nations and expressed its sovereign power as a nation through the formation of sovereign institutions of the Lithuanian State until June 14, 1940.

On June 15, 1940, through violence and aggression, the Soviet Union restrained the sovereign power of the nation and illegally incorporated Lithuania into the USSR.

Even though the nation resisted continuously, this foreign force eventually destroyed the structures of the Lithuanian State, and imposed its own structures upon it.

Since 1988, as new possibilities arose, the nation's movement for rebirth and independence began to express itself openly, encompassing the broadest layers of society. The nation's will, expressed openly by the civil actions, through existing institutions became an expression of its sovereign power.

The imposition of the structures forced upon Lithuania by a foreign state should not be interpreted as a recognition of its sovereignty over the Lithuanian nation and its territory by the state which forced them upon it, or as recognition of the annexation executed by that state.

On February 24, 1990, during elections to the Lithuanian SSR Supreme Soviet those residents of Lithuania with the right to vote of their own will presented the elected Lithuanian SSR Supreme Soviet deputies with a mandate to restore the Lithuanian State and express the sovereign power (*suprema potestas*) of the nation through this Supreme Soviet, which, beginning March 11, 1990, 6:00 p.m., will be called the Supreme Council of Lithuania.

LAW OF THE REPUBLIC OF LITHUANIA STATE NAME AND STATE EMBLEM

In accordance with the act of restoring the independence of the State of Lithuania, it is important to observe names and symbols that have deep spiritual and political meaning. Empowered by the will of the citizen-voters of Lithuania, the Supreme Council of the Independent Republic of Lithuania,

1. To use "Republic of Lithuania" as the single official name of the State in the Constitution and in other laws and legal enactments and "Lithuania" in shorter forms and in compound names.
2. To continue to use the official state emblem and symbol of the Republic of Lithuania, the "Vytis" (white knight on red background).
3. To refer to the Lithuanian Supreme Soviet as the "Supreme Council of the Republic of Lithuania."
4. Henceforth to refer to the post of the Lithuanian SSR Supreme Soviet Chairman as the post of the "Chairman of the Supreme Council of the Republic of Lithuania."
5. To refer to all further acts of this Supreme Council as "acts of the First Supreme Council of the Republic of Lithuania."
6. The names of government bodies shall be altered in accordance with the first article of this law.
7. This law enters into force at the moment of its adoption.

SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA ACT ON THE RESTORATION OF THE LITHUANIAN STATE

The Supreme Council of the Republic of Lithuania, expressing the will of the Nation, resolves and solemnly proclaims that the execution of the sovereign power of the Lithuanian State, heretofore constrained by alien forces in 1940, is restored, and henceforth Lithuania is once again an independent state.

The February 16, 1918 Act of Independence of the Supreme Council of Lithuania and the May 15, 1920 Constituent Assembly Resolution on the restoration of a democratic Lithuanian State have never lost their legal force and are the constitutional foundation of the Lithuanian State.

The territory of Lithuania is integral and indivisible, and the Constitution of any other State has no jurisdiction within it.

The Lithuanian State emphasizes its adherence to universally recognized principles of international law, recognizes the principle of the inviolability of borders as formulated in Helsinki in 1975 in the Final Act of the Conference on Security and Cooperation in Europe, and guarantees the rights of individuals, citizens and ethnic communities.

The Supreme Council of the Republic of Lithuania, expressing sovereign power, by this act begins to achieve the State's full sovereignty.

ON THE REINSTATEMENT OF THE MAY 12, 1938 LITHUANIAN CONSTITUTION

The Supreme Soviet of the Republic of Lithuania,

— confirming the Lithuanian SSR Supreme Soviet February 7, 1990 resolution "on the liquidation of the 1939 Germany-USSR agreements and their consequences,"

— declaring that the May 12, 1938 Lithuanian Constitution was suspended illegally when on June 15, 1940 the Soviet Union committed aggression against the independent Lithuanian State and annexed it,

— considering the July 21, 1940 People's Assembly to be the instrument for expressing the will of a foreign country, and considering its decisions to be illegal,

— striving to restore the violated sovereign rights of the Lithuanian Nation and State,

1. To annul the April 20, 1978 Lithuanian Constitution (Fundamental Law).
2. To annul the October 7, 1977 USSR Constitution (Fundamental Law), as well as the "Fundamentals of Legislation of the USSR and Soviet Republics," insofar as they apply to the Republic of Lithuania.
3. To reinstate the May 12, 1938 Lithuanian Constitution throughout the Republic of Lithuania, suspending those paragraphs and articles governing the status and powers of the President of the Republic, the Assembly, the State Council and the State Supervisory Body.
4. To establish that the reinstatement of the May 12, 1938 Lithuanian Constitution does not in itself reestablish other laws in effect in the Republic of Lithuania prior to June 15, 1940.

LAW OF THE REPUBLIC OF LITHUANIA ON THE PROVISIONAL FUNDAMENTAL LAW OF THE REPUBLIC OF LITHUANIA

The Supreme Council of the Republic of Lithuania, considering the necessity of bringing the provisions of the May 12, 1938 Lithuanian Constitution into accord with today's changing political, economic and other social circumstances,

1. To suspend the May 12, 1938 Lithuanian Constitution.
2. To ratify the Provisional Fundamental Law of the Republic of Lithuania.
3. To establish that Soviet laws and other legal acts which do not contradict the Provisional Fundamental Law of the Republic of Lithuania shall continue in effect in the Republic of Lithuania.
4. This law enters into force at the moment of its adoption.

CHAIRMAN OF THE SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA
VYTAUTAS LANDSBERGIS
SECRETARY OF THE SUPREME COUNCIL OF THE REPUBLIC OF LITHUANIA
LIUDVIKAS SABUTIS
Vilnius, March 11, 1990

Lithuania: A blueprint for the Soviet future?

A lawyer's reflections on the declaration of independence

Lowry Wymun is a lawyer and a Fellow of the Russian Research Center at Harvard University. She arrived in Lithuania two weeks ago and witnessed the declaration of independence issued by the Lithuanian parliament on March 11. The following interview was conducted nine days later, as Moscow was stepping up pressure on Lithuanian leaders to go back on their decision.

Question: Could you comment on the way in which independence was declared on March 11 from the point of view of a constitutional lawyer?

A: It's important to understand (and judging from Western press reports I've seen, a lot of people seem not to understand this) that what was declared was not secession from the Soviet Union, but the restoration of an independent state which had been illegally suppressed. Lithuania did not leave the Union, because it never legally joined it. This is not just a legalistic nicety, but the basis of this declaration. The declaration of independence consisted of five documents, and I'd like to comment briefly on each one.

The first document dealt with the status of the deputies to the Supreme Council. That document declared that these deputies were representatives of the people's will and had the mandate to proclaim independence. I understand that what was meant by the word "mandate" was that they were requested by the voters to assert independence, not "mandate" in the sense that they were permitted to request independence or assert independence if they felt like it. That was a promise that they gave the electorate which they agreed to fulfill, so they were required to do so.

The second document dealt with the name and symbols of the republic, and the third was the document of the declaration of independence, which I have already discussed.

Following the declaration was a document concerning the status of the Lithuanian constitution. The last law which was in effect before the Soviet occupation in 1940 was the 1938 constitution. It was affirmed that this constitution had been properly adopted and was valid, and had never been rescinded or abrogated voluntarily. Now, it was recognized that this constitution, as a document having practical effect, would be difficult to implement because it had old institutions, such as a very powerful presidency, which the people agreed would not be applicable. The 1938 constitution was therefore suspended by the new parliament, which, as the first body to express the will of the Lithuanian people since 1940, was also the first to be able to change or suspend the Lithuanian constitution.

For purposes of continuity, an interim basic law was adopted in place of the 1938 constitution. This interim law was adopted with the idea that it would be further amended, and eventually set aside and a new constitution put in its place.

The United States did much the same thing. We started out with a declaration of independence, and we had an interim document; we did not go back to the Magna Carta or some other prior legal act for the purpose of establishing a viable working document, but that was partly because there were some other documents in effect that could be relied upon, and England was not considered an occupying country. It was a somewhat different situation. But there was an interim period during which a basic law was in place which everyone recognized was not satisfactory, but was a general framework through which a consensus could be developed. And in time, a true constitution, a true agreement of the people for the people was developed. From a legal

perspective, and from a theoretical perspective, what the Lithuanian parliament has done is exactly correct.

Q: How do you react to the USSR Congress of People's Deputies statement that the Lithuanian declaration of independence has no legal basis?

A: How do you define law? A law is not just something that is written on a piece of paper, it's something which people agree to follow and which implies mutual consent. When a law is imposed upon another, by force rather than by consent, there's a need for some kind of regulatory act. The Baltic countries, Lithuania included, have always maintained, and the world recognizes, that they never consented to the occupation of their country by the Soviet army. The Congress of People's Deputies of the Soviet Union itself declared illegal the document by which the occupation was validated in a purely formal sense. So I don't see any basis at all on which to regard the act that Lithuania has taken as not legally tenable.

Q: In the secession law being proposed by President Gorbachev, the right to self-determination is proposed as the basis for republics wishing to leave the union. How does this bear on Lithuania's declaration?

A: There are two arguments in support of the Baltic people's right to independence. The first is the fact that these countries were illegally occupied and incorporated into the Soviet Union; this is the basis of the Lithuanian Supreme Council's declaration of independence. The second is the right of nations to self-determination; this is the path insisted upon by Mr. Gorbachev.

The right to self-determination is a weaker argument, and that is why

It's important to understand that what was declared was not secession, but the restoration of an independent state which had been illegally suppressed.

Mr. Gorbachev refers to it. The right to self-determination is a right which grew out of a situation in which there had been colonial occupation, and a country which had never existed as an independent nation wished to establish itself as an independent nation. Its right, in a sense, matured into the right to self-determination. That suits Gorbachev (or his advisers), because he wants Lithuania, as a country, to be extinguished, and its right to self-determination realized only through the mechanism that he provides for them in the context of being a territory that has been absorbed by another state, which through its own largesse will agree to some new status. Another aspect of this question is that there is an implication that there was some implied consent there, implied consent to the extent that the bigger country gave the little country something. That is one of the arguments that we have been reading in the Soviet press of late - that we, the Soviet Union, want to take back this and that, we will make the Lithuanians pay, because we have given them roads and industry. Legally, that's bunk.

Q: Would it be advisable for the Lithuanians to hold a referendum?

A: A referendum on the question of independence is not necessary at all. One of the key aspects of the decision that the people made in this country is to establish their own government. They decided they would hold elections, and they would elect people with a particular point of view, and that they would exercise their rights as voters in the way an ordinary democratic country would do. Through this peaceful process, they decided to assert their inde-

pendence. This is a perfectly adequate way; to say that they must do it in some other way is really a slap in the face. It amounts to saying: we do not allow you to exercise your rights in the way that you choose. The fact that an organ of Soviet government was used to do this does not affect the legitimacy of the declaration either. When an occupied people decide to assert their independence, the occupying country is not in a position to tell them how they can do it.

When the Americans declared independence, they did not take a referendum of the entire populace. There were people who had a mandate from the people, who represented the intellectual elite, and interestingly, represented to a large extent a similar cross-section of people as those in the Lithuanian parliament - teachers, lawyers, people in commercial activity, and farmers, who took it upon themselves to declare independence in the name of the people.

Q: How does the fact that a significant minority of people in Lithuania (perhaps as many as 15%) strongly disagree with the goal of independence, affect the parliament's decision legally?

A: To demand one hundred percent unanimity in a case like this is unrealistic. There were also people who favoured England when the American colonies declared independence. England gave many of these people political asylum in Canada. But this also does not mean that those who are opposed to the will of the majority are going to do badly. The people who were against American independence made accommodations and entered into a new society.

Q: How would you respond to this challenge if you were in Mr. Gorbachev's shoes?

A: What bothers me about the dialogue between the Soviets and the Lithuanians, is that it is a constant effort to try to provoke some kind of a conflict. The Soviet leaders say: you must take measures to do X,Y,Z; please inform us, because if you don't take such measures, then we will. Such bellicose statements are absurd. One would think that a power the size of the Soviet Union would have the wisdom to go about finding a solution another way.

It's important to understand the psychology behind the Soviet response to the Lithuanian declaration. The Soviet Union is trying to retain the concept of master and

servant, and Lithuania is saying: no, we are free people, and as free people we meet you on an equal level, and whatever relationship we have will be defined by our mutual interests and by mutual agreement; we are not your servants, and you are not our master. That is why this is such a precedent-setting situation, because all of the other republics are in the same position that the Soviet Union wants the Lithuanian republic to stay in. Once the Lithuanians are treated like emancipated, adult human beings, then the other republics will want such treatment too.

According to the new secession law being drafted in Moscow, all republics will have to be consulted when one republic

Lithuania is only a dry run for the most fundamental problems of the Soviet Union.

wishes to leave. Lithuania, Latvia, and Estonia were never a part of the union, so they don't have to leave it: they were occupied, and there was never any consent whatsoever. In the case of some of the other republics, there was genuine consent, which was later perverted by changing events, so that it ended up becoming forced consent. This idea that you have to get everybody's agreement before you do something is again another way of trying to prevent a person or country which is free from negotiating on its own terms, once again in a master-servant relationship.

The Russians, more than anyone else, have been in this subservient role, and if they decide to assert their emancipation in a similar way, then there will be nothing left of the union at all. Lithuania, in a sense, is only a dry run for the most fundamental problems of the Soviet Union to be solved. It really doesn't present a significant threat in itself; as in marital problems, the arguments are still over the little things rather than over the largest issues, because you can't face the largest issues. One of the tasks that Lithuanians have is to remind the world that they are not the real problem for the Soviet Union, that they are only a small skirmish. The real struggle is something that the Soviets can't yet face.

The real problem is how the Russians view themselves, what kind of life and government they want. Instead of facing this essential problem, the Soviet Union is focusing on a little antagonist, which really never was an antagonist to begin with.

continued from page 1

The Republic of Lithuania in particular requests the Supreme Soviet of the USSR to urge the Soviet Government to respect the right of Lithuania to control and regulate all customs and passport formalities on its frontiers with the Kingdom of Sweden, the Russian S.F.S.R., Poland, Latvia, and the Byelorussian S.S.R. The Lithuanian Government reminds the Supreme Soviet of the USSR that in accordance with the terms of the Helsinki Final Act and universally accepted principles of international law, including Article 13 of the Universal Declaration of Human Rights, all Lithuanian citizens have the right to leave Lithuania and return at any time. Any efforts by Soviet personnel stationed on and near the frontiers of Lithuania to harass or impede the legal right of Lithuanians to cross into states other than the RSFSR or Byelorussia will be viewed as a serious breach of international legal and human rights norms.

The aforementioned Resolution of the third unscheduled Congress of People's Deputies of the USSR also alleged that Lithuania "ignored" certain unspecified political, economic, social, territorial, legal and other problems connected with the re-establishment of Lithuanian independence. The Government of the Lithuanian Republic wishes to remind the

members of the Supreme Soviet of the USSR that Lithuania has underscored on many occasions its sincere hope that immediate negotiations would commence with the Government of the USSR so that both parties might openly and rationally discuss all issues currently outstanding between them. The Government of Lithuania has set no preconditions for such negotiations, and on several occasions Lithuanian representatives in Moscow have had contacts with the President of the USSR, Mikhail Gorbachev.

The Government of Lithuania wishes to convey to the members of the Supreme Soviet of the USSR and the Government of the USSR the sincere wish of all Lithuanians for mutually-beneficial political, economic and cultural ties with the peoples of the USSR. A forthright willingness to discuss issues of mutual concern will serve to hasten many positive developments in Lithuania, the USSR and East-Central Europe.

Vytautas Landsbergis
President, Supreme Council of
The Republic of Lithuania
Vilnius, March 21, 1990

International Response

a selection of statements and greetings to the Republic of Lithuania after the March 1990 declaration of independence

le 12 Mars, 1990

La France qui n'a jamais reconnu l'annexion de la Lituanie prend acte de la proclamation du Conseil Suprême de Lituanie.

Le libre choix des Lituanais a été rendu possible par les réformes de démocratisation engagées par M. GORBACHEV et la France souhaite que des relations nouvelles s'établissent maintenant par la négociation entre l'URSS et la Lituanie.

Ministère des affaires étrangères
Paris, France

March 11, 1990

The United States has never recognized the forcible incorporation of the independent states of Estonia, Latvia, or Lithuania into the USSR. We have consistently supported the Baltic peoples' inalienable right to peaceful self-determination.

The new Parliament has declared its intention to restore Lithuanian independence. The United States would urge the Soviet government to respect the will of the citizens of Lithuania as expressed through their freely elected representatives and expects the government of Lithuania to consider the rights of its minority population.

The United States believes it is in the mutual interest of Lithuania, the Soviet Union, and all CSCE countries to resolve this issue peacefully.

We call upon the Soviet government to address its concerns and interests through immediate constructive negotiations with the governments of Lithuania.

We hope that all parties will continue to avoid any initiation or encouragement of violence.

Office of the Press Secretary
The White House

March 13, 1990

Congratulations.

With admiration, the Latvian people in the free world have witnessed Lithuania's fight for freedom. We congratulate you, Mr. President, and the Lithuanian people, and wish you the best of luck in the difficult task ahead; the restoration of free and independent Lithuania.

Gunars Meierovics, President
World Federation of Free Latvians

In response to the Lithuanian Parliament's Address to the Nations of the World, the Senate accepted the resolution in which the continuity and independence of the Lithuanian State was proclaimed along with its return to the family of free nations; and heartily congratulates the immense change which has occurred in the life of the brother nation.

Freedom and independence are the main goals for which our nations have struggled for generations. We hope that Independent Lithuania will be able to progress successfully and live in peace and harmony with all of its neighbours.

The Parliament of the Republic of Poland
Warsaw

March 13, 1990

It gives us great pleasure to salute the fact that developments in the Soviet Union in the direction of democracy, have given Lithuania the ability to hold free elections to the Parliament of the Republic.

The new parliament has now begun its first session. A large majority of its members have expressed the desire of Lithuanians to realize their right to national self-determination and independence.

Accepted resolutions reflect wide-spread unity and strength in the will of the people. We hope that the legal right of the Lithuanian people to self-determination will be realized according to the laws and the spirit of the Helsinki Accords.

Also, last Saturday and Sunday, the Estonian Congress met in Tallin and expressed clear demands for independence. This must be interpreted as a deep-rooted, wide-spread manifestation of the will of the people, and is yet another step towards greater political self-determination.

Sweden, in adherence to universal principles of international law, recognizes as sovereign all countries that meet the necessary criteria of national statehood. These criteria are as follows: the existence of territory, a population within its boundaries, and a government within this territory able to maintain sovereignty and effectively control the territory.

The Foreign Minister of Sweden
Stockholm, Sweden

March 12, 1990
Canberra, Australia

The Australian Government acknowledges the resolution of the freely elected Parliament of Lithuania declaring it to be an independent state. We welcome any development which lends reality to the Lithuanian independence we already legally recognise.

This declaration marks the latest and most significant stage in the tide of change sweeping Europe which we hope will lead to the peaceful re-emergence of all the Baltic States into the family of nations.

Australia has already recognised for many years the legal right of Lithuania, Latvia and Estonia to exist as independent states. Like many other western governments we have refused to accept in international law the incorporation of the three Baltic States into the Soviet Union in 1940, reflecting the self-proclaimed Soviet sovereignty over them.

Australia thus recognises that the declaration represents the aspirations of the Lithuanian people to achieve economic and political independence through peaceful and democratic means.

The Government fully appreciates that it is the unprecedented process of reform in the Soviet Union which has made it possible for the newly elected Lithuanian Parliament to approve the declaration. The Soviet Government has already shown vision in acknowledging the validity of granting greater economic and cultural autonomy to the Baltic States, and is currently examining constitutional changes to provide a formal mechanism for enabling succession by its constituent republics.

I urge the Soviet Union to recognise and respect the declaration, and to refrain from actions inimical to the interests of either party. I hope that both parties will now avoid confrontation, and enter into a period of constructive negotiations leading to full and viable economic and political independence for Lithuania.

Senator Gareth Evans
Minister of Foreign Affairs and Trade
Australia

Today, my envoy in Moscow handed me your personal letter in which you ask me to support Lithuania's independence and to encourage the recognition of the independence of the Republic of Lithuania by the Czechoslovakian government.

The Czechoslovakian people and I personally sympathize with Lithuania's efforts to achieve freedom and independence. The unfortunate conclusion and political imputations of the Second World War were such that Lithuania, Latvia and Estonia were forcibly annexed into the USSR, and this annexation was done without any regard for international law. Czechoslovakia, with its present-day politics based on respect for inalienable human rights, is a supporter of the Helsinki process and, without a doubt, supports the right to national self-determination, including the right to the re-establishment of statehood.

Vaclav Havel
President of the Czechoslovakian Socialist Republic

March 12, 1990
Vilnius

War of nerves

Statements exchanged between the Soviet Union and the Republic of Lithuania after March 11

The following telegram was sent by Lithuanian President Vytautas Landsbergis in response to Soviet President Mikhail Gorbachev's demand issued on March 15, 1990, that the Lithuanian government repeal the legislation it adopted March 11, 1990 re-establishing the independent Republic of Lithuania, and report within three days what measures would be taken to do so.

His Excellency
M. Gorbachev
President of the USSR

March 18, 1990
Vilnius

Dear Mr. President,

In response to your inquiry about the position of the Supreme Council of the Republic of Lithuania regarding a decision by the third special session of the Congress of Peoples Deputies, I wish to inform you that:

1. The decree by the Congress that resolutions adopted by the Supreme Council of the Republic of Lithuania are invalid does not have legal foundation.

2. Human rights in Lithuania are guaranteed by the laws of the Republic of Lithuania which conform with universally accepted international practices and agreements, and are defended by the Lithuanian Government and the courts. The legal USSR interests in Lithuania should be specifically defined through negotiations and will receive careful consideration by the Republic of Lithuania.

3. The Lithuanian State is taking measures that law and order is maintained in the territory of the Republic of Lithuania.

Mr. President, I am taking this opportunity to draw your attention to the fact that several speeches delivered at the third special session of the Congress of Peoples Deputies on March 15, 1990 and broadcast by national Soviet television misrepresented the facts and contained elements of interference. We have always been of the opinion and continue to believe that all problems concerning relations between countries must be resolved only by political means with the utmost regard for peace and goodwill.

With respect,

V. Landsbergis
President of the Supreme Council of
The Republic of Lithuania

To the Chairman of
The Supreme Soviet of the Union of Soviet
Socialist Republics
His Excellency Mikhail Gorbachev

We, deputies of the Supreme Council of the Republic of Lithuania, elected democratically and freely by the people of Lithuania, who for many decades have striven to restore the independent statehood of their country, wish to inform you that on March 11, 1990, the Supreme Council of the Republic of Lithuania adopted legal acts and political decisions establishing the restoration of the independent Lithuanian State.

The texts of these documents are attached to this letter.

We hope that you and the entire leadership of the Soviet Union will show good will and favourably view our resolutions, and that the Union of Soviet Socialist Republics will recognize the Lithuanian Republic as an independent State.

We are inviting you to view this letter as an official proposal to the Union of Soviet Socialist Republics to start negotiations for regulating all questions pertaining to the fact of the restoration of the independent Lithuanian State. We anticipate that you will pay special attention to the safety of the young people of Lithuania currently serving in the Soviet Armed Forces.

We wish to maintain good and stable political and economic relations with the Soviet Union, and we anticipate that you will exhibit a reciprocal position and attitude.

Respectfully yours,

Address to the President of the USSR

The Supreme Council of the Republic of Lithuania, supported by mandates from the Lithuanian nation, states:

1. The government of Lithuania will not impede the activities of Soviet army troops based for a limited period of time in the territory of the Republic while pursuing negotiations with the government of the USSR concerning the status of those troops. Until conclusions are reached, Armed Forces of the USSR, the Internal and Border Army should not execute maneuvers or deployment within the territory of the Republic, and should not increase the present contingency without the agreement of the government of Lithuania. Likewise, the government of the Republic will assure the safety of the Soviet Army's soldiers, military officers and their families in Lithuania.

2. The people of Lithuania and the Supreme Council of Lithuania wish citizens (soldiers, military officers and their families) of the Republic to be immediately and safely returned to Lithuania.

3. We ask you, honorable USSR President, to give the appropriate orders to the government of the USSR.

Vytautas Landsbergis
President of the Supreme Council of
The Republic of Lithuania
Vilnius, March 11, 1990

Vytautas Landsbergis
Chairman of the Supreme Council of
The Republic of Lithuania

To the President of the USSR M. Gorbachev,
To the President of the Council of Ministers
N. Ryzhkov,
To the Minister of Defense of the USSR, D. Yazov,

March 21, 1990
Vilnius

Although the massive amount of military airplanes in the airspace of Lithuania has been halted, the number of military forces of different branches of the armed forces, especially the paratrooper branch, has been augmented. The Government of the Republic of Lithuania urgently asks the Government of the USSR to explain who is responsible for the military pressure from the side of the USSR; how many and for what reason soldiers and military material have been moved into Lithuania. We once again express hope that the military forces remain in your control and will not be used in any way that will compromise you.

Kazimiera Prunskiene
Prime Minister
Cabinet of Ministers
The Republic of Lithuania

Egle, a music teacher, 30:

I was moved when it happened. We were all watching it on television, and I could see how moved some of the deputies in the Parliament were, how the hands of grown men were trembling when the act was proclaimed. As for me, the emotion was accompanied by a sense of disbelief: are we really free now? can it really be so easy? As one of my co-workers said today: this was too easy, it's no holiday for me. How could I explain to her that it required two years of hard work, of preparation? That a tremendous amount of quiet work has been more important than some proclamation made with great fanfares? As well, people were all prepared for this, it did not come like a bolt of lightning or a surprise to anyone. People have become a bit tired of mass meetings and celebrations. I think that the rapture of these twenty months of Sajudis is dying down, and we are returning to our more normal, sedate selves.

I was outside [the Supreme Soviet building] several times during the day. Some people were there all day, from morning until after midnight. It was raining hard, they were standing there with broken umbrellas, all cold, but very happy. People were shouting, "Lietuva jau laisva!" ["Lithuania is now free!"], the rain was raining into our mouths, the flowers we had brought were falling apart. They were wonderfully strange, those last hours of waiting. But still, there wasn't that sense of euphoria that I felt at the first events a year and a half ago. I think we Lithuanians are deeply attached to symbols. The morning our national flag was reinstated, on October 7th [1988], it was raised on the castle tower on Gediminas hill [in the centre of Vilnius]. We were weeping, singing; we held hands, it was as if an electric current coursed through all of us. But last night, I was walking in the rain down the Prospect [the main street in Vilnius], and I was shocked by how few people there were in the streets, compared to the crowds that used to come out. People were much more interested in watching the [Supreme Council] session on television, up close.

This morning, when I greeted my pupils in the choir, one boy came up to me and said, "Teacher, this is wonderful for you Lithuanians, but I'm a Russian, what about me?" And I had to stop all my patriotic speechmaking, and explain to this child that this is also his homeland, that we love him here too. And after twenty minutes he realized that he could celebrate it as well. In general, most of my pupils didn't want to do any work today, they spent all day talking about politics. It was clear that they spoke about nothing else at home as well.

Ana Tuduko, Polish student, age 20

I watched the events on television yesterday, well, not everything, but I watched them. I think [these events] are OK, but I'm afraid of what will happen next, of how relations between people will be, how [Lithuanians] will look upon non-Lithuanians here, Poles, Russians, Byelorussians, and others. Will they [Lithuanians] let Poles get higher education in Polish, will we get jobs?

LR: Do you sense any negative pressure from Lithuanians now?

Ana: No, I don't. Not now, not yet.

LR: How do you feel about the new leadership?

Ana: I thought that Brazauskas would be elected... I would rather have Brazauskas.

Petras, a pensioner, age 76:

We haven't had time yet to grasp the contents of all this. But the Supreme Soviet is making decisions, and all my life no one did anything. But it's still too early to rejoice. We'll rejoice later, when we can see the results. What they've done is only on paper. And we can't expect a good reaction from Moscow.

LR: How do you feel about Landsbergis as chairman?

Petras: Well, maybe he will do a good job. He's a founder of Sajudis, and Sajudis has a lot of authority in

One day later

The day after the Lithuanian parliament declared the re-establishment of the independent Republic of Lithuania, The Lithuanian Review asked people in Vilnius how they felt.

Lithuania. Of course, Brazauskas could do a lot more. But he [Landsbergis] has been elected, and he has three assistants... We'll see how he does his job.

Aldona, a pharmacist, deported to Siberia as a child and only recently rehabilitated; age 50:

I spent all day yesterday at the television. And I was very uneasy, but happy. I feel deeply sorry for all those who did not live to see this day. It's probably good that Landsbergis was chosen, because we are too disappointed with the Party. I have nothing against Brazauskas as a person, but he represents the Party.

Our work collective is made up of both Lithuanians and Russians. We Lithuanians greeted one another with tears in our eyes, on the first day of Lithuania's independence. The Russians were all unhappy, they didn't talk much today, looking as if they had "sold their lands", as people say. And they are worried, because our pharmacy depends for its supplies on a central Soviet supplier. Up until now, they have felt as if they were heads of the household here in Lithuania, and now the situation is reversed.

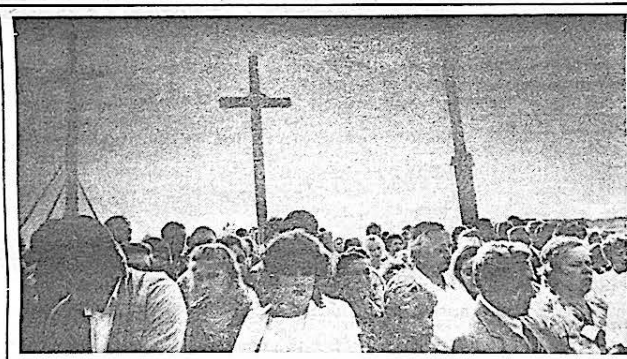
It will be a difficult time now. We can't hope that Moscow will be gentle; they have truly inflicted a great deal of suffering on our people. But we are moving towards a new period. In the long run, maybe, there will no longer be such great injustice here. It will be difficult, but if our people have already suffered through so much, they will

put up with more for the sake of freedom. I feel great today. From morning until evening yesterday I watched [the session] on television. When the actual declaration was made, it was odd, it was hard to believe. But this morning I went to lectures [at Vilnius University] and we talked about nothing else all day, and I think it's great. I can really feel a difference in people here.

Ieva, a student, age 19:

LR: What reaction do you expect from Moscow?

Ieva: It's hard to guess. We have to wait and see. They'll talk about it today [at the Congress of People's Deputies], these will be heated days. But I hope for the best, we will hold out. We are now legally in a firm position, we are independent, and it won't be simple for them to finish us off. Of course, there



will be economic pressure, things will be very difficult, but I think that we're all prepared for that, and we all know that things can't get much worse than they are now.

Vita, an engineer, age 27:

Somehow it's hard to believe that we're independent... the army, foreign government [structures] are still here. I feel a little uneasy. It's hard to be optimistic about the reaction from Moscow. This is a moment that we've longed for, but it's still hard to believe that we're independent. As for the chairman [of the Supreme Council], well, personally I like Brazauskas better, as a person, even though he is the Communist Party leader.

Henrikas Cigriejus, a poet, age 52:

This is a moment we have been awaiting for years. But, somehow, I don't feel elated. Why? I don't know. Maybe we have waited too long. You know, when you wait and wait and wait for something, and then get it, you don't feel the same elation. But we could not have waited much longer - you can't jump across an abyss in two steps.

And as far as literature goes, well, we won't suddenly write anything new. It seems to me that when we were oppressed, we somehow wrote more. You might think that now our hands are unbound, we can say what we want. But that doesn't necessarily make for better literature. No one at all wants to return to those horrible times, of hor-

rible pressure and horribly strict censorship. But in the last years our literature had liberated itself considerably, and in a strange way that oppression helped literature, gave it urgency. It produced some untarnished poetry - that of Martinaitis and Geda, and even Marcinkevicius [Lithuania's three best-known poets]. These people grew up under oppression. I wonder if they will ever write more beautiful things. You can't write decent poetry about freedom and independence directly. When we spoke in a muted voice, we said very noble and beautiful things, without sentimentalism. But God help us, I don't want to return to those days, even if they did produce better literature.

Birute Butkeviciene, a library director, age 50:

I am very, very happy today. This is the future of our children. When it happened, we all embraced, my husband and I embraced our children. We wept. We are still weeping. No matter how harsh the reaction [from Moscow] may be, we will persevere.

I think Landsbergis is a man of spirit, something that we were so short of. Before, we felt our spirituality, but could not express it as we can now. We are truly very happy.

Czeslawa, a Polish woman worker, age 40:

I am Polish. And what can I say? Maybe it will be good. But we are afraid that there might be a blockade. We are on our own now. And who knows how it will work out? And about Landsbergis, you know, I'll tell you, maybe he's alright, but my opinion is, well, I would have wanted Brazauskas.

LR: Do you fear pressure from Lithuanians?

Czeslawa: From Lithuanians? Yes, we do fear it, we do. I haven't felt any yet. So far we have been friendly. My husband is a Lithuanian, and we get along very well. But I don't know how it will be.

Mindaugas K., a drunk high school student, age 18:

Yeah, I saw it on TV. I don't feel much about it. So far it's just the start of all that. Maybe we'll get freedom, we'll live better maybe. I hope so.

Vidmantas, a postal worker, age 42:

I'm for an independent Lithuania. But it's hard to say what my feelings [about yesterday's declaration] are. I think it's good that Landsbergis was elected, and I trust our deputies. I think they can lead Lithuania to independence. We know how Moscow will react, a blockade, all kinds of things are possible. But we will suffer through everything. For an independent Lithuania. We are prepared.

Antanas Rublevicius, a postal worker, age 55:

I am very pleased with the new parliament, and with professor Landsbergis. Perhaps Brazauskas would be good as well, but I think Landsbergis is more suitable at this time. I think [the deputies] were right to move towards independence as fast as possible.

Ruta, a high school teacher, age 27:

I didn't feel any euphoria yesterday. It was something that we had waited for so long. You sit in the same room, everything is still the same, you do the same work. Then I realize how this will change everyday life, I think of trivial details, that to go to Russia I'll need a visa! I know it will bring economic difficulties. But when the Jews left Egypt and went into the desert, God watched over them. I think He will not abandon us. All we need is a minimum to survive.

I trust our new Parliament completely, although I'm very displeased with Brazauskas' refusal to accept a post in the government. He only revealed his personal ambitions [to become President] by doing that.

I think it's a good Parliament - even the Poles who abstained from voting for independence. I think that's fine. They openly, politely presented their position.

My students today were most concerned about their favourite politicians. All day they argued amongst themselves - Brazauskas or Landsbergis? - ignoring the essential matters. Well, they also talked about tanks. Otherwise they were all quite jubilant. These kids follow all the events on television, they know all about them. But their opinions aren't really theirs, but those of their parents.

Justas Kuliesius, high school student, age 13:

Well, I think it's very good, though it's not clear how Moscow will react. When I saw it happen on television, I felt everything - joy and tears and everything. I think Moscow will give us independence.

LR: How do you feel about Landsbergis and Brazauskas?

Justas: I think Landsbergis is better.

Anonymous woman, about 50 years of age:

Oh, don't ask me that, I'll start... I think it [the declaration of independence] is wonderful, it's wonderful... [breaks into tears]

Gediminas, a geographer, age 30:

When independence was declared yesterday, well, it's hard to say how I felt. As if we didn't yet have it in our hands. That's how it felt. I think it could be another ten years before we will have something to be happy about. But I think it's good. If these deputies are careful, we will get our way. But I think Landsbergis has certain shortcomings.

Gintaras Skutas, a student, age 20:

I was watching on TV myself, I saw

Photograph by Z. Bulgakovs

1918 to 1920 How independence was first won

by Edward Tuskenis
The Lithuanian Review

On March 11, 1990, the Supreme Council of Lithuania, in declaring the restoration of an independent Lithuanian state, referred to the declaration of independence of February 16, 1918, stating that this declaration of 72 years before had never lost its validity and was one of the constitutional foundations of the state of Lithuania. By the same token, the actual declaration of 1918 had also declared the re-establishment of an independent state.

The Grand Duchy of Lithuania had, of course, existed from the 13th century, first as an independent state, then as part of the Lithuanian-Polish Commonwealth, finally being swallowed up by Russia in 1795. The growth of national self-consciousness in Eastern Europe in the late 19th century also found expression in Lithuania. Faced by twin dangers of Polishization and Russification, the Lithuanians at this point were concerned with surviving as a culture and, given their relatively weak position, spoke only in terms of political autonomy within the Russian Empire. In the West, meanwhile, the concept of a Lithuanian nationality separate from the Poles was not universally accepted by non-Lithuanians. The outbreak of World War I, however, changed the political landscape.

World War I, in a very real sense, made the establishment of an independent Lithuania possible. Given the imperialistic designs of both Germany and Russia in Eastern Europe, only a collapse of both these powers would give Lithuania a window of opportunity.

The Germans occupied Lithuania in 1915, and the idea of a separate Lithuanian state crystallized soon thereafter, first among Lithuanian emigres in the West, and then, after the February 1917 Revolution in Russia, in Lithuania itself.

In September 1917, the Germans allowed the Lithuanians to hold a conference in Vilnius, which in turn elected a 20-member council, or Taryba, which was to play, until the actual formation of a Lithuanian government in late 1918, the leading role in the struggle for Lithuania's independence. The Germans hoped to use the Taryba as more or less a puppet government, but the Lithuanians resisted.

On December 11, 1917, the Taryba passed a declaration of the restoration of an independent Lithuanian state, but, under pressure from the Germans, included a proviso for a "permanent and firm alliance" with the German Empire. The Germans planned to eventually annex Lithuania. They did not act immediately on this declaration, and the Lithuanians were also rebuffed in their attempts to participate at the peace talks between the Germans and Russians at Brest-Litovsk.

On February 16, 1918, the Taryba passed another declaration of independence, this time without mention of any ties to the German Empire. (February 16 is the date traditionally celebrated as Lithuanian Independence Day.) The Germans were not pleased with this action, and the Lithuanians felt the need to state that the new declaration did not necessarily replace the December 11 document.

The Treaty of Brest-Litovsk

between Germany and Russia was signed on March 3, 1918, whereby the Russians gave up all claim to Lithuania. Then, on March 23, 1918, the government of the German Empire recognized *de jure* the independence of the Lithuanian state on the basis of the December 11 declaration.

German authorities, however, refused to allow the Taryba to organize administration of the country, and prepared to join Lithuania to either Prussia or Saxony. Hoping to avoid that eventuality, the Taryba asked Wilhelm von Urach, the Duke of Wurttemberg in Germany, to be king of a Lithuania organized as a constitutional monarchy; Urach agreed in July 1918. The Germans continued their military administration of the country, refusing to allow the Taryba to organize any kind of government until the very last days of the war, which also saw the Lithuanians withdraw their offer to Urach. On November 2, 1918, the Taryba passed a Provisional Constitution, and Augustinas Voldemaras was selected prime minister of a provisional government on November 5. He formed a cabinet on November 11—the day World War I ended.

Although possessing an officially functioning government, Lithuania still found itself under German occupation. The Germans, however, did begin the process of transferring administration to the new government.

Lithuanian Communists, meanwhile, at Moscow's instruction, stepped up their activities and declared the formation of a Lithuanian Communist government in Vilnius on December 16, 1918. Retreat of German forces allowed the Bolsheviks to occupy Vilnius on January 4, 1919. The Germans, however, halted before Kaunas, preventing the Communists and the Red Army from taking over the rest of the country.

The Lithuanian government, which had fled to Kaunas, was reorganized on December 26, with Mykolas Slezevicius now prime minister. January saw the start of the organization of a Lithuanian army, which first took part in combat on February 10, 1919. Lacking Western recognition as yet, the Lithuanians were not admitted to the Peace Conference that opened in Paris on January 18.

A new cabinet under Pranas Dovydaitis took over on March 12, and on April 4, Antanas Smetona was elected by the Taryba to a newly-created post of president.

On April 12, the government changed again, with Slezevicius once more as prime minister.

Relations with Poland, which had always been a potential problem, now moved to the forefront; the Polish army, advancing against the Bolsheviks, captured Vilnius on April 20, 1919. The Communist government, which had never been a real force, fled, effectively ending its existence.

The next few months saw the Lithuanians and Poles, with the involvement of the Western powers, try to come to some kind of agreement over the city of Vilnius. Two lines of demarcation between Lithuanian and Polish forces were drawn in June and July of 1919. The Germans, in the meantime, evacuated Kaunas, and eventually left Lithuania completely in December 1919.

Of great importance to the Lithuanians was the *de facto* recognition granted by the British on September 23, 1919. British policy toward Lithuania, in comparison to that of other Western powers, had been quite favorable.

A new cabinet was formed under Ernestas Galvanauskas on October 7, 1919. The German withdrawal by the end of the year meant that Lithuanian territory, with the exception of Vilnius, was free of foreign troops. Diplomatic recognition from other Western states, nevertheless, was slow in coming.

Elections to the Lithuanian Constituent Assembly were held on April 14 and 15, 1920, with the Christian Democrats winning a majority. Aleksandras Stulginskis was elected president, while the Galvanauskas cabinet remained in place until June. The Assembly also felt the need to issue a declaration of the independence of a Lithuanian state. The Constituent Assembly did much to facilitate diplomatic recognition; *de facto* recognition came from France and Poland in May and July, respectively.

negotiations.

Negotiations with the Russians, begun on May 8, 1920, yielded a peace treaty between Lithuania and Soviet Russia on July 12, 1920. The terms of this treaty were quite favorable to the Lithuanians, assuring them control of Vilnius.

The Polish-Soviet war in July 1920 had seen the Poles pushed back; the Red Army took Vilnius on July 14, 1920. The Russians handed the city over to the Lithuanians on August 26. The turn of the tide in the Polish-Soviet war again presented the threat of Polish occupation of Vilnius. An agreement signed in the town of Suwalki by the Poles and Lithuanians on October 7, 1920, set a new line of demarcation, leaving Vilnius on the Lithuanian side. Nevertheless, Polish General Lucian Zeligowski, leading an ostensibly renegade force, seized Vilnius on October 9. In spite of heavy League of Nations involvement in the dispute, a compromise solution was never found, and it was not until 1939 that the Lithuanians were to regain what they considered their rightful capital. In spite of the Polish seizure of Vilnius, by late 1920 Lithuania had quite firmly established itself as an independent state.

The United States granted Lithuania *de jure* recognition on August 28, 1922. The basic policy of the United States in the immediate postwar period had been support of an indivisible, non-Bolshevik Russia; as a result, support of independence for the Baltic States was weak as long as there was a chance that the Bolsheviks might be defeated. Recognition came only after the postwar order in Eastern Europe had been more or less settled.

World War I, through its destruction of the German and Russian empires, gave the Lithuanian national movement the chance to attempt formation of an independent state. The odds were against it; both Poland and Russia had designs on Lithuania. Certainly, German aid in the early days proved helpful, as did more tacit support from the West, which however, did not express itself in formal recognition.

Decree by The President of the USSR

On supplemental methods in order to guarantee the rights of Soviet citizens and protect the sovereignty of the USSR in the territory of the Lithuanian SSR.

Disregarding the March 15, 1990 resolutions of the Congress of Peoples' Deputies of the USSR, the Supreme Soviet and government of the Lithuanian SSR continue to adopt legal acts which violate the rights of Soviet citizens and the sovereignty of the USSR. Therefore, I resolve:

1. That the USSR Council of Ministers, local executive and branch affiliates of Peoples' Deputy Councils, and institutions of law and order must guarantee obedience to the Constitution of the USSR and those laws of the Constitution which defend the justified rights of USSR citizens living in the Lithuanian SSR.
2. The border army of internal affairs must take the necessary measures to safeguard those USSR borders which lie along the territory of Lithuania, blocking the way for illegal actions that violate USSR laws on state borders.
3. To temporarily suspend the July 23, 1975 Resolution of the USSR Council of Ministers No. 646 "On Standard Procedure for the Buying, Counting and Storage of Hunting Weapons". And for the time being, to forbid the sale of firearms in the republic. The citizens of Lithuania must turn in the weapons in their possession to institutions of the Ministry of Internal Affairs for temporary storage within seven days. The Ministry of Internal Affairs will be responsible for the confiscation of weapons if citizens refuse to turn in their weapons. The USSR Ministry of Defense is to take the weapons from institutions of the Ministry of Internal Affairs and guarantee their storage.
4. The USSR Ministry of Foreign Affairs and the USSR Ministry of Internal Affairs is to tighten control on the issuing of visas and permission for foreign citizens to enter the LSSR. The USSR Ministry of Internal Affairs is to take necessary measures to prevent foreign citizens living in the LSSR from breaking the rules of staying in the USSR, even to the point of expelling them from the USSR according to the law "On the Legal Status of Foreign Citizens in the USSR".
5. This decree is in effect from the moment of its signing.

President of the USSR
M. Gorbachev

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— Anatole Lieven, *The Times of London*

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